

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARYOUSH JAVAHERI,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 2:24-cv-00860-GMN-EJY

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is Magistrate Judge Elayna J. Youchah’s Report and Recommendation (“R&R”), (ECF No. 10), recommending that the Court dismiss Plaintiff Daryoush Javaheri’s Fourteenth Amendment claim against the Department of Justice with prejudice. Plaintiff filed an Objection, (ECF No. 13).

Plaintiff¹ sues the Department of Justice for property loss in Los Angeles, California under the Federal Tort Claims Act (“FTCA”) and the Fourteenth Amendment. (Compl., ECF No. 9 at 1-2, 5-6). His Complaint appears to allege that the Department of Justice did not protect him from predatory lending after it received settlements from banks relating to the 2008 mortgage crisis. (*Id.* at 3).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. D. Nev. R. IB 3-2(b).

The Magistrate Judge recommends dismissing the Fourteenth Amendment claim with prejudice because the United States has sovereign immunity, and because the Fourteenth

¹ In light of Plaintiff’s *pro se* status, the Court liberally construes his filings. *Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

1 Amendment does not apply to the federal government. (R&R 2:25–3:4, ECF No. 10).
2 Plaintiff’s Objection to the R&R does not provide any legal sources refuting these basic
3 propositions. (*See generally* Object., ECF No. 13).

4 Reviewing Plaintiff’s Objection and the R&R *de novo*, the Court agrees with the
5 Magistrate Judge’s recommendation. The United States, as a sovereign, is immune from suit
6 unless it has waived its immunity. *See Dep’t of Army v. Blue Fox, Inc.*, 525 U.S. 255 (1999).
7 Any lawsuit against an agency of the United States is considered an action against the United
8 States. *See Sierra Club v. Whitman*, 268 F.3d 898, 901 (9th Cir. 2001). Because the
9 Department of Justice is an agency of the United States, Plaintiff’s Fourteenth Amendment
10 claim is an action against the United States for which it has not waived its immunity. *See*
11 *Balser v. Dept. of Justice, Off. Of U.S. Tr.*, 327 F.3d 903, 907 (9th Cir. 2003). Moreover, the
12 federal government is not subject to suit under the Fourteenth Amendment. *See San Francisco*
13 *Arts & Athletics, Inc. v. U.S. Olympic Comm.*, 483 U.S. 522, 542 n. 21(1987) (recognizing that
14 the Fourteenth Amendment only applies to actions by a state). Plaintiff’s Fourteenth
15 Amendment claim is therefore barred, and the legal deficiencies cannot be cured through
16 amendment. Accordingly, the Court ADOPTS the R&R and DISMISSES Plaintiff’s
17 Fourteenth Amendment claim with prejudice.

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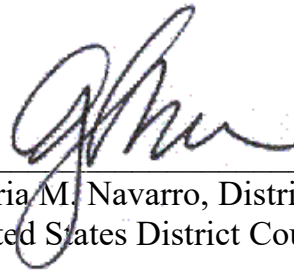
1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 10), is
3 **ACCEPTED and ADOPTED in full. IT IS FURTHER ORDERED** that the Objection,
4 (ECF No. 13), is **DENIED**.

5 **IT IS FURTHER ORDERED** that Plaintiff's Fourteenth Amendment claim is
6 **DISMISSED with prejudice**.

7 Dated this 8 day of November, 2024.

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Gloria M. Navarro, District Judge
United States District Court